

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

VICTAULIC COMPANY,

Plaintiff,

v.

ASC ENGINEERED SOLUTIONS, LLC,

Defendant.

Civil Action No. 1:20-cv-00887-  
CFC

JURY TRIAL DEMANDED

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ASC ENGINEERED SOLUTIONS, LLC,

Counterclaim-Plaintiff,

v.

VICTAULIC COMPANY,

Counterclaim-Defendant.

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**DEFENDANT’S MOTION FOR BIFURCATION**

Defendant ASC Engineered Solutions, LLC (“ASC”), respectfully moves the Court to bifurcate the contract issues from the patent issues in this case. The grounds for this motion are set forth in ASC’s opening brief and supporting materials filed concurrently herewith. A proposed order is attached.

Dated: July 21, 2022

Respectfully submitted,

MORRIS JAMES LLP

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Counterclaim-Plaintiff ASC Engineered  
Solutions, LLC*

**CERTIFICATION PURSUANT TO D. DEL. LOCAL RULE 7.1.1**

Pursuant to D. Del. Local Rule 7.1.1, counsel for Defendant have made reasonable efforts to reach agreement with counsel for Plaintiff on the matters provided in this motion. Plaintiff remains opposed to Defendant's motion.

Dated: July 21, 2022

Respectfully submitted,

MORRIS JAMES LLP

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**[PROPOSED] ORDER**

Having considered Defendant ASC Engineered Solutions, LLC's ("ASC") Motion for Bifurcation and the opposition thereto,

IT IS HEREBY ORDERED that ASC's Motion for Bifurcation is GRANTED; and

IT IS HEREBY FURTHER ORDERED that:

The contract issues shall be tried separately from the patent issues, with contract issues to be tried first, and issues of infringement, invalidity, damages, and willfulness tried only if there is a finding that the allegedly infringing conduct is unauthorized.

IT IS SO ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2022.

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Hon. Colm F. Connolly  
United States District Chief Judge